



# **Review of ORS's Code of Conduct Recommendations**

February 19, 2020

Docket No. 2019-386-E

# Overview

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- **Offer additional consumer protections, including:**
  - Non-Discrimination
  - Marketing
  - Compliance Officer
  - Customer Information
  - Complaint Procedure
- **Concerns regarding DESC's waiver clause**
- **Installment of a review period**



## Non-Discrimination

A non-discrimination clause would help ensure equality in DESC's various affiliate transactions and the manner in which it responds to customer requests for information.

- **Benefits to customers:**

- Prevents giving preferences to affiliates over non-affiliates
- Applies tariffs equally to Dominion Energy, Affiliates, Non-Regulated utility operations, and non-Affiliated entities
- Provides consistency in the response and approach to requests for service
- Ensures impartiality in business dealings

## Marketing

A marketing clause would define how DESC may market sales, calls, proposals, and advertising with affiliates and non-regulated utility operations.

- **Benefits to customers:**

- Requires the use of certain disclaimers when affiliates use either the DESC name or logo in communicating with customers
- Imposes similar disclaimer provisions on non-regulated utility operations in communicating with customers
- Ensures transparency in any marketing materials or similar communication circulated by DESC affiliates

## Compliance Officer

A compliance officer would be responsible for the Company's compliance with the Code of Conduct.

- **Benefits to customers:**

- Appoints a point person to monitor and ensure adherence to and compliance with the Code of Conduct
- Makes this individual's contact information available on the Company's website
- Ensures additional transparency and facilitating compliance with the merger conditions and Code of Conduct



## Customer Information

A customer information clause would outline provisions for sharing customer information between DESC, Dominion Energy, and other affiliates.

- **Benefits to customers:**

- Protects what – and how – customer information is shared between DESC, Dominion Energy, and other affiliates
- Describes the parameters under which customer information may be shared
- Prohibits the disclosure of customer information to any affiliate or non-affiliated third party without the customer's consent
- Makes the customer information provision available on DESC's website
- Ensures protection of customer information from unauthorized disclosure

## Complaint Procedure

A complaint procedure clause would outline provisions as to how DESC will resolve complaints that may arise due to its relationship with other affiliates and non-regulated utility operations.

- **Benefits to customers:**

- Outlines a complaint procedure while also protecting a complainant's right to file a complaint with the Public Service Commission of South Carolina
- Aids in the transparent resolution of concerns and complaints



## ORS's Concerns Regarding Waiver Clause

ORS proposed striking the emphasized language in the following waiver clause as proposed by DESC:

"In providing accurate and truthful information, DESC, without waiving its rights to self-advocacy in supporting positions in regulatory proceedings before the Commission and specifically reserving all of its rights under the law, acknowledges that it must avoid the concealment, omission, misrepresentation, or nondisclosure of any material fact or information in any proceeding or filing before the Commission or ORS."

- **ORS's rationale:**

- DESC's rights are automatically preserved
- There is no need to include such language in the Code of Conduct
- Inclusion of such language diminishes the appearance of DESC's commitment to transparency



## Periodic Review

ORS proposed including a periodic review of four years so that necessary modifications or updates to language of the Code of Conduct could be made.

- **ORS's rationale:**

- Such a review of the Code of Conduct and adjustment of language, as needed, would ensure that the intent of the merger conditions is being achieved
- The prior Code of Conduct for SCE&G contained dated thresholds that were updated in this process
  - A periodic review would provide the opportunity to update these numbers on a more regular basis
- Allowing for periodic updates would also ensure that the terms of the Code of Conduct continue to represent the best interest of the customers

# Summary and Conclusions

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- The five additional consumer protections proposed by ORS mirror consumer protections already provided by DENC and PSNC to North Carolina customers
- Dominion Energy customers in South Carolina are entitled to the same level of protection
- Together with the recommendations to alter the waiver clause and institute a periodic review, these recommendations further fulfill the intent of Commission Order No. 2018-804(A)



